



***FREEDOM OF INFORMATION ACT
& PRIVACY ACT
HANDBOOK***

APRIL 1998

TABLE OF CONTENTS

Introduction	1
What is the Freedom of Information Act?	1
How to File a Freedom of Information Act Request	2
What You Need to Include In Your Request	2
Where to Send Your Request	2
Processing Fees	3
How the FTC Responds to FOIA Requests	3
Response Time	3
Extensions of Time for Responding to FOIA Requests	3
Expedited Processing of FOIA Requests	4
Content of Response	4
FOIA Exemptions and Exclusions	5
Types of FTC Records Requested	5
Investigatory Records	5
Consumer Complaints	5
Administrative Records	5
Types of Information That Need Not be Disclosed Under the FOIA	6
Trade Secrets and Other Confidential Business Information	6
Internal Government Communications	7
Personal Information	8
Law Enforcement Information	8
Information About Internal Personnel Rules and Practices	8
Other Exemptions Infrequently Invoked by the FTC	9
Records Excluded from Coverage Under the FOIA	9
Appeals	9
The Public Record.	10
Index of Major FTC Information and Record Locator Systems	12
Privacy Act	13
Government in the Sunshine Act	14
Fee Schedule	14

INTRODUCTION

The purpose of this Handbook is to describe how the Freedom of Information Act (“FOIA”) is administered at the Federal Trade Commission (“FTC”). Each Federal agency handles requests for its own records. If you would like to request documents that may be found at several agencies, you must send a separate request to each of those agencies. Each agency’s rules are different, and this Handbook covers only the rules of the FTC. If you need the FTC’s formal regulations, they can be found at 16 C.F.R. §§ 4.8 through 4.11. The FOIA is a complicated law, and it is difficult to anticipate or answer every question that may arise related to it. If you have questions that this Handbook does not answer, contact the FTC FOIA unit by phone at (202) 326-2403; by fax at (202) 326-3066; or by e-mail at FOIA@FTC.GOV.

I. WHAT IS THE FREEDOM OF INFORMATION ACT?

The FOIA is a federal law that provides for public access to Federal government records in two ways. First, the FOIA requires that agencies automatically make public certain types of records. Second, it sets up a way for the public to request copies of records that are not routinely placed on the FTC’s public record. The general philosophy of the FOIA is that all records of Federal government agencies should be available to the public, unless release of the information would cause specific harm. The FOIA describes nine categories of records that agencies need not disclose because of the potential harm that disclosure would cause. These categories are generally referred to as “exemptions” because the records they describe are exempt from the FOIA’s general rule requiring disclosure. Section IV of this Handbook provides a brief explanation of each of the exemptions and an explanation of why certain types of information are withheld from disclosure.

The purpose of the FOIA is to give the public access to *existing* government records. It does not require an agency to create records, conduct investigations, or develop information to answer questions. The FTC’s policy is to provide anyone who requests information with as much material as we can find that is responsive to the request. If you ask questions, we will look for existing documents that answer those questions. For example, the FOIA does not require us to respond to a request that asks if it would be wise to purchase a particular product or invest in a particular business venture. To answer that type of request, we will look for records that relate to the product or its manufacturer, or the business venture, and we will also look for general educational materials prepared by the agency that may help you to understand your rights and responsibilities under the law. We will release those records that are not covered by one of the FOIA exemptions. Thus, while we cannot give you specific advice, the information we may be able to provide may assist you in reaching your own conclusions.

II. HOW TO FILE A FREEDOM OF INFORMATION ACT REQUEST

A. What You Need to Include in Your Request

All FOIA requests must be in writing. To file a request, simply send a letter that describes precisely the records you seek. Identify your letter as a "Freedom of Information Act Request." Although any request to the FTC that asks for records that have not previously been made public by the FTC will be handled as a FOIA request, labeling your letter as a FOIA request will help to ensure that it is handled promptly.

At a minimum, your FOIA request should contain:

- C A precise description of the records that you seek, *e.g.*, consumer complaints or investigatory files about a particular company or product.
- C If you are seeking records about a company, the exact name and address of the company, if you know it.
- C The subject matter. Because many companies share similar names, you can help us identify the information you want by indicating the type of business that the company is engaged in.
- C The relevant time period. (Do you want us to search only for records that were created during a specific time period? Remember that information in older records may not be current.)
- C A statement about your willingness to pay any FOIA processing fees. (See Sections II.C and X of this Handbook.)
- C Your address and daytime telephone number, in case we need to contact you to discuss your request.

B. Where to Send Your Request

Regardless of how you send your request (via fax, e-mail, U.S. mail, or other delivery service), address it as follows:

Freedom of Information Act Request
Assistant General Counsel for Legal Counsel (Management & Access)
Office of General Counsel
Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

The fax number for the FOIA branch is (202) 326-3066, and the e-mail address is FOIA@FTC.GOV

C. Processing Fees

The FOIA allows the FTC to charge fees to process your FOIA request. (See Section X for information about the FTC's fee schedule.) If we estimate that the fees for processing your request will exceed \$100, we will not begin to process it without your permission. You may either indicate in advance in your request your willingness to pay fees or wait for us to contact you to discuss the possible fees. In the latter case, however, we will place your request on hold until we have an agreement with you about fees. If you are willing to pay fees only up to a certain amount, you may say that in your letter.

You may ask for a waiver of processing fees if your request meets certain requirements. The FOIA permits us to grant a fee waiver if a requester shows that a waiver is appropriate under the following standards: (1) disclosure of the information you are seeking will likely contribute significantly to public understanding of government activities or operations, and (2) the request is not primarily to serve your commercial interest (e.g., you are seeking information for research purposes, or the public interest in disclosure outweighs your commercial interest).

Example: A fee waiver would likely be denied if a request seeks only consumer complaints about a company, because consumer complaints, standing alone, about a particular company do not provide information about how the FTC operates. However, fees may be waived for a response to a request seeking documents explaining filing obligations for proposed mergers (if the other required conditions are also met), because such documents would likely provide information about how the FTC carries out its duties.

III. HOW THE FTC RESPONDS TO FOIA REQUESTS

A. Response Time

Although we do not routinely contact requesters when we first receive a request, we may contact you during the processing to ask questions or to give you a status report on the processing. We do answer most requests within the statutory time limit of 20 working days following the receipt of a request, without need for a formal or informal extension. You may check the status of your request by calling (202) 326-6641. If we cannot complete your request within the prescribed 20-day period, we will call you to discuss an extension of the FOIA's time limits.

1. Extensions of Time for Responding to FOIA Requests

The FOIA requires us to respond to requests within 20 working days, but it also gives us the right to extend that time by up to 10 additional working days. We may need to invoke a formal 10-day

extension of the FOIA's time limits when the responsive documents: (1) are voluminous; (2) require two or more FTC offices to confer about the documents; or (3) are located off-site.

If we need to invoke a formal extension of the response time, we will notify you, in writing, that we have done so. Additionally, some requests are so complicated or require so much consideration that we may need to request an informal extension of the FOIA's time limits if we determine that we cannot process your request within the prescribed 20-day period. In either case, we will contact you by the 20th working day after we receive your request.

2. Expedited Processing of FOIA Requests

We generally process requests in the order in which they are received. You may request expedited handling of your request, however, if you believe there is a compelling need for a more rapid response. To qualify for expedited processing, you must show that: (1) waiting your turn could pose an imminent threat to the life or safety of an individual; or (2) if your primary job is to disseminate information, there is an urgency to inform the public about actual or alleged Federal government activity.

B. Content of Response

We will respond to your FOIA request in writing and will include any responsive documents that may appropriately be disclosed.

The response will inform you whether we have located any records responsive to your request, and whether we have granted, denied, or partially granted and partially denied the request. If we deny your request in whole or in part, we will identify the types of information being withheld and the FOIA exemptions that we believe allow us to withhold them, along with the name of the official who made the decision. We attempt to describe the categories of documents being withheld in as much detail as practicable in our response letter, including a rough estimate of the quantity of documents withheld, but we do not provide a complete index of those documents. We will also explain the procedure for appealing a partial or complete denial and provide the name and telephone number of someone who can answer questions about how we handled your request. If there are any processing fees for your request, we will also include an invoice.

We will forward the response to your request by U.S. Mail unless you prefer to view the material at FTC offices. If you elect to review the response on FTC premises, you will owe duplication fees only for the material that you chose to have copied, not for all the material made available. Requesters must view copyrighted material and certain non-paper records, such as videotapes, at the FTC.

When we delete confidential material from documents before release, we mark the documents, to the extent possible, in such a way so that you can see how much information has been withheld.

IV. FOIA EXEMPTIONS AND EXCLUSIONS

This section describes the types of information most frequently requested from the FTC, and explains how the FOIA exemptions and exclusions may apply to this information.

A. Types of FTC Records Requested

The most frequently requested categories of FTC information are (1) material incorporated in investigatory files, (2) consumer complaints, and (3) administrative records.

1. Investigatory Records

The primary function of the FTC is to enforce a number of antitrust and consumer protection laws, and many requests seek records from our investigatory files. The FOIA permits the FTC to withhold records related to those law enforcement activities if release of the records could harm our investigation. To protect our enforcement activity, we often must completely deny requests for records in open investigations. We are, however, able to grant, at least in part, records from closed investigations, particularly as time passes after the investigation has been closed.

2. Consumer Complaints

Requesters frequently ask for records of complaints about the business practices of companies in order to help them decide whether to do business with a company. The FTC maintains certain information from consumer complaints in a computer database, and also maintains complaint letters for one year (or longer, for those that are part of an investigative file). Thus, while we may not have original complaint letters that are responsive to a FOIA request, we can often provide information from the computer database of consumer complaint information. In addition, obtaining information from the computer database can be done relatively efficiently, while locating original paper copies of consumer complaints is time-consuming and may often result in significant processing fees. For this reason, we typically contact requestors seeking consumer complaint information to discuss ways of providing useful information at least cost to both the requester and the FTC. We can help requesters modify their requests to get “bottom-line” information, like summaries or statistics, which often fully address the requester’s need and can be available at little or no cost.

3. Administrative Records

The FTC, like virtually all organizations, maintains various administrative records, such as contract proposals, budgets, and personnel records. Many of those records are exempt from disclosure because release could result in harm to commercial or privacy interests. For example, contracts often contain confidential, commercial information, and personnel records may contain very personal information, such as medical histories.

B. Types of Information That Need Not Be Disclosed Under the FOIA

While the focus of the FOIA is on making government information available to the public, the statute recognizes that disclosure of certain kinds of information would be harmful. For this reason, the FOIA exempts nine categories of information from the general mandatory disclosure rule, and excludes certain records from coverage under the FOIA. FTC records that most frequently fall into one of these categories include material we have obtained from businesses, certain internal communications that are protected by a privilege, personal information, law enforcement records, and internal personnel rules and practices.

1. Trade Secrets and Other Confidential Business Information

In the course of its law enforcement activities, the FTC obtains a great deal of sensitive or confidential information from businesses. Disclosure of this information often could cause competitive harm to the businesses that provided it. Moreover, businesses are more willing to cooperate with FTC investigations if they know that the government will protect their sensitive information. Accordingly, the law recognizes the importance of protecting much of this information from disclosure.

FOIA Exemptions 3 and 4, together with other statutory provisions, provide for the withholding of trade secrets and other confidential commercial or financial information. Exemption 3 provides that if a law other than the FOIA places any restrictions on the release of information, that information need not be disclosed under FOIA. The following statutory provisions restrict the release of certain information provided to the FTC by businesses under investigation:

- C Section 6(f) of the Federal Trade Commission Act (“FTC Act”) requires the agency to protect the confidentiality of trade secrets and other commercial or financial information obtained from a business. FOIA Exemption 4 also explicitly exempts this type of information from disclosure.
- C The Hart-Scott-Rodino (“HSR”) amendments to the Clayton Act, 15 U.S.C. § 18a(h), requires submission of information to the FTC about certain mergers and acquisitions, but generally forbids the FTC from disclosing any of this information. The purpose of this law is to avoid premature disclosure of information about those mergers and acquisitions that could improperly affect the sale of a company or its assets or the price of its stock.
- C Sections 21(b) and 21(f) of the FTC Act protect certain information obtained in FTC investigations. The FTC has the authority to require businesses or individuals to submit information needed for investigations. This authority is known as compulsory process. Sections 21(b) and 21(f) prohibit release of information obtained through compulsory process, or submitted to the FTC voluntarily by a party when compulsory process might otherwise have been used.

Thus, the FOIA exemptions, the FTC Act, and the HSR provisions work together so that most information submitted to the FTC during our law enforcement investigations is exempt from disclosure and therefore will not be produced in response to a FOIA request.

Example: In response to an FTC investigation of the nutrition claims of a health food snack, a distributor supplies the FTC with information about the snack's ingredients, advertising budget, and sales profits. Both the FOIA and the FTC Act require the FTC to withhold all such information because it is confidential business information and, with respect to the commercial food recipe, a trade secret. Disclosing such information to the public would harm the distributor's competitive position and make it and others in the industry less likely to cooperate with the government for fear of losing competitive advantage.

2. Internal Government Communications

FOIA Exemption 5 allows the FTC to withhold certain types of internal government communications, including memoranda or letters transmitted within the FTC or between the FTC and other government agencies. The exemption covers those types of records that would normally not be available to a private party involved in a court proceeding with the FTC. The most typical basis for invoking this exemption is the applicability of one or more of the following legal privileges:

- C Deliberative process: This privilege allows the FTC to withhold information that is *predecisional* (i.e., prepared in advance of an agency decision in a particular matter) and *deliberative* (i.e., prepared to aid in the decision-making process). The FOIA allows the withholding of records of this type to facilitate open and candid discussion of issues among government employees as part of agency decision-making.
- C Attorney work-product: The attorney work-product privilege is designed to protect material prepared by, or under the supervision of attorneys, in connection with actual or anticipated litigation.
- C Attorney-client communications: The attorney-client privilege protects confidential communications between an attorney and a client over a legal matter for which the client has sought legal advice. This privilege is not used as frequently as the other two, but is most often available when the Commission's General Counsel has been asked to interpret a situation and give an opinion or interpretation.

Example: In a law enforcement investigation that is likely to go to trial, the FTC's Office of the General Counsel staff may prepare memoranda analyzing whether the FTC has jurisdiction and outlining the arguments the FTC's attorneys could use to defend its jurisdiction in court. The FTC may use all three of these privileges to withhold those memoranda.

3. Personal Information

Exemption 6 allows agencies to withhold personnel or medical records to prevent an unwarranted invasion of personal privacy. In addition, Exemption 7(C) allows agencies to withhold personal information that is part of an investigative file. Before invoking either of these exemptions, the FTC must determine that the individual's right to privacy is greater than the public's right to know the information in question.

Example: The FTC often uses these exemptions to withhold the identities of individuals who have complained to the Commission about the practices of credit reporting or debt collection agencies. The individual's right to privacy ordinarily outweighs the public's interest in knowing whether a person has been denied credit or may not have paid an outstanding bill.

4. Law Enforcement

FOIA Exemption 7 allows the FTC to withhold law enforcement records where release either would or could harm those law enforcement efforts in one or more ways listed in the statute. Because the FTC is a law enforcement agency, this exemption often applies to FTC records. Exemption 7(A) allows the FTC to withhold information in law enforcement investigations if disclosure would interfere with enforcement efforts (e.g., by alerting a target prematurely of the existence of an investigation, or by revealing investigative strategies). As noted above, Exemption 7(C) allows the FTC to withhold personal information from an investigative file. Exemption 7(D) allows the FTC to withhold records that could reveal the identity of a confidential source.

Example: Exemption 7 would probably apply in a number of ways to an FTC investigation of a franchisor based on allegations from several franchise owners about allegedly misstated potential earnings. We may use Exemption 7(A) to withhold all information that may reveal to the franchisor that it is an investigation target. We may also use Exemption 7(C) to withhold access to information about the franchisees' personal finances, because the public has little interest in, or right to know about, information that is not related to government operations or business. Finally, we might invoke Exemption 7(D) to protect the complaining franchisees' identities if it appears that the franchisor could retaliate against the franchisees.

5. Information About Internal Personnel Rules and Practices

FOIA Exemption 2 allows the FTC to withhold material that relates solely to its internal personnel rules and practices. The FTC may invoke Exemption 2 to withhold (1) documents about inconsequential administrative matters which are of no genuine public interest, such as a rule governing lunch hours; and (2) information, such as a law enforcement training manual, that, if disclosed, would risk circumvention of law or agency regulations. It is unlikely that the FTC would

withhold information that falls into the first of those two categories, but it is necessary on occasion to invoke this exemption to prevent release of information would likely cause significant harm to the Commission's law enforcement activities.

6. Other Exemptions Infrequently Invoked by the FTC

A number of the FOIA exemptions have little applicability to FTC records. These include:

- C Exemption 1, which applies to classified information relating to national defense or foreign policy;
- C Exemption 8, which protects information that relates to regulatory reports prepared by or for a bank supervisory agency such as the Federal Deposit Insurance Corporation or the Federal Reserve.
- C Exemption 9, which protects geological and geophysical information and maps about wells.

7. Records Excluded from Coverage Under the FOIA

In addition to the exemptions from the FOIA's disclosure requirements, Congress has identified three types of material that are not covered by the FOIA at all. *See* 5 U.S.C. § 552(c). These FOIA *exclusions* allow Federal agencies to treat certain law enforcement records as if they do not exist. Usually, a FOIA response must acknowledge that records exist even if they are *exempt* from disclosure under the FOIA. The law recognizes, however, that even acknowledging the existence of certain types of records may cause as much harm as its disclosure, so it excludes those classes of records from its requirements. Thus, in response to a request for those types of records, the FTC may tell the requester that the agency has no information responsive to the request. The FTC is likely to use only the first exclusion, which covers records that could reasonably be expected to interfere with a law enforcement investigation or proceeding that involves a possible violation of criminal law where the investigation target is not aware that he or she is being investigated. Since the FTC does not prosecute alleged criminal violations, this exclusion applies only when we discover evidence of a criminal violation that may be turned over to other authorities for prosecution.

V. APPEALS

A requester has the right to appeal any partial or total denial of documents. A person filing an appeal may seek review of a decision that withheld material is exempt from disclosure, or request that the FTC exercise its discretion to release information even though it is exempt from mandatory disclosure. Appeals must be in writing and include a copy of the initial request letter as well as the initial response letter. A request for discretionary release of exempt information should state the interest of the requester in the material being sought and the purpose for which it would be used if the request were granted.

FOIA appeals are decided by the General Counsel. To ensure an independent review of the issues presented on appeal, individuals other than those who processed and decided the initial request advise the General Counsel on appeals. The General Counsel has authority to release documents that are exempt from disclosure, but are unlikely to cause harm to the agency's activities, individuals, or businesses, if released.

Appeal letters should be addressed to:

Freedom of Information Act Appeal
Office of the General Counsel
Federal Trade Commission
6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

A requester who is not satisfied with the General Counsel's decision may obtain review of that decision in a Federal District Court. *See* 5 U.S.C. § 552(a)(4)(B). Decisions of the District Court may be appealed to the Federal Circuit Court of Appeals and then to the U.S. Supreme Court.

VI. THE PUBLIC RECORD

The FTC routinely releases many documents to the public by placing them on its "public record." There is no need to file a formal FOIA request to obtain access to those documents. A complete list of the types of records that are usually placed on the public record can be found in the FTC Rules of Practice, 16 C.F.R. § 4.9. Some of the more important categories of records include:

- C Commission Organization and Procedures (staff manuals; statements of the Commission's procedures and policies; records of votes on public Commission matters; and reprints of the principal laws under which the Commission exercises enforcement or administrative responsibilities).
- C Industry Guidance (transcripts of hearings in industry guide proceedings; petitions related to industry guides; industry guides themselves; and digests of advisory opinions and compliance advice).
- C Rulemaking (petitions related to rules and regulations; notices and advance notices of rulemaking; rules and orders issued in rulemaking proceedings; and transcripts of all rulemaking proceedings).
- C Investigations (petitions to limit or quash compulsory process and FTC responses and closing letters in initial and full-phase investigations).
- C Adjudicative Proceedings, Stay Applications, Requests to Reopen, and Litigated Orders (pleadings; transcripts of testimony and oral arguments; exhibits and material received in

- evidence; initial decisions of administrative law judges; orders and opinions in interlocutory matters; final orders and opinions, including separate statements of Commissioners; records filed by the Commission with the courts in connection with adjudicative, injunctive, enforcement, compliance, and condemnation proceedings; and orders of the courts).
- C Consent Agreements (agreements containing orders, after acceptance by the Commission; comments filed concerning proposed consent agreements; and final decisions and orders issued after the comment period, including separate statements of Commissioners).
 - C Compliance/Enforcement (reports of compliance; requests for advice concerning proposed mergers; and applications for approval of proposed divestitures, acquisitions, or similar transactions).
 - C Access to Documents and Meetings (letters requesting access to Commission records under the FOIA and letters granting or denying the requests; announcements of Commission meetings under the Sunshine Act, including records of the votes to close such meetings; summaries or other explanatory materials relating to matters to be considered at open meetings; and minutes of open meetings and nonexempt portions (or summaries) of closed meetings).
 - C Standards of Conduct (memoranda to staff elaborating or clarifying standards described in administrative staff manuals).
 - C Other (press releases; applications for clearance or authorization to appear or participate in a proceeding or investigation and agency responses; continuing guaranties filed under the Wool, Fur, and Textile Acts; published reports by the staff or by the Commission on economic surveys and investigations of general interest; filings by the Commission or by the staff in connection with proceedings before other Federal agencies or state or local government bodies; registration statements and annual reports filed with the Commission by export trade associations; identities of holders of registered identification numbers issued by the Commission; and the Commission's annual report and any other annual reports made to Congress on activities of the Commission).

All of the materials listed above are available for public inspection and copying between 9 a.m. and 5 p.m. on each business day at FTC headquarters offices in Washington, D.C. Some public records are also available at FTC regional offices in Atlanta, Boston, Chicago, Cleveland, Dallas, Denver, Los Angeles, New York, San Francisco, and Seattle. Public records are also available by written request. Such requests should clearly and accurately describe the records needed, and be addressed to:

Consumer Response Center
Federal Trade Commission
Room 130

6th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Telephone number: (202) 326-2222

If requested materials are available for sale at another government agency, the requester will not be provided with copies of the materials but will be advised to obtain them from the selling agency.

VII. INDEX OF MAJOR FTC INFORMATION AND RECORD LOCATOR SYSTEMS

As required by subsection (g) of the FOIA, the following is an listing and brief description of the major information and record locator systems maintained by the FTC:

- C MMS (Matter Management System) is an automated system that is used to track significant events for every Commission investigation, project, rulemaking proceeding, and adjudicative proceeding.
- C OSCAR (Office of the Secretary Control & Reporting System) provides information about specific assignments and actions of the FTC Commissioners.
- C LANDOC is a document management and full-text retrieval system used to provide quick access to Commission documents for research purposes or for use in current work.
- C IRIS (Information Retrieval and Indexing System) is the predecessor to LANDOC and provides indexes to and summaries of older documents that address legal, economic, and procedural issues relevant to the Commission's work.
- C CCS (Consumer Complaint System) is used to track and manage information about the many consumer complaints received by the Commission. This information includes identification of the company, statute and rule violations, products, and questionable practices listed in the complaint.
- C CCTS (Chairman's Correspondence Tracking System) is designed to record all correspondence received by the Office of the Chairman, and track the handling of that correspondence.
- C OSTS (Office of the Secretary Correspondence Tracking System) records all Congressional correspondence and is used to monitor the review and response to that correspondence.
- C TCS (Telemarketing Complaint System) is a joint project of the FTC and the National Association of Attorneys General to assist law enforcement agencies across the United

States in collecting and sharing information about companies and company representatives suspected of telemarketing fraud.

- C FFS (Federal Financial System) is used to help the FTC manage its budget and expenditures.
- C STAR (Staff Time and Activity Reporting System) records the time spent by FTC staff on individual investigations, projects, and other activities of the agency.
- C FOIA (Freedom of Information Act) System maintains information about the request, the subject of the request, the disposition of the request and the exemptions used.

VIII. PRIVACY ACT

The Privacy Act is a Federal statute that gives individuals the right to access information the government maintains on themselves in certain systems of records. As under the FOIA, each Federal agency handles its own requests for records under the Privacy Act. To make a request under the Privacy Act, you should contact the agency that you believe may have records about you. The Privacy Act allows an individual to (1) request notification of whether the Commission maintains a record pertaining to him or her in any system of records, (2) request access to such a record or to an accounting of its disclosure, (3) request that the record be amended or corrected, and (4) appeal an initial adverse determination of any request.

When you make a Privacy Act request to the FTC, we search our systems of records for any information indexed by your name, or any other identifying information. The FTC systems of records subject to the Privacy Act are organized into seven categories: (1) law enforcement systems, (2) FTC personnel systems, (3) FTC financial systems, (4) correspondence systems, (5) access request systems, (6) mailing list systems, and (7) miscellaneous systems. If you are interested in a complete list the FTC's Privacy Act systems, is provided in the Federal Register (Vol. 57, No. 192), October 2, 1992, pages 45,676-45,707. FTC regulations related to the Privacy Act, including procedures for making a Privacy Act request, are found at 16 C.F.R. § 4.13.

IX. GOVERNMENT IN THE SUNSHINE ACT

The Government in the Sunshine Act is a Federal statute that gives the public the right to observe Commission meetings whenever as the topics to be discussed at those meetings fall outside of certain types of issues. When the Commission determines that certain types of information, which should remain confidential, are likely to be discussed at a meeting of our Commissioners, the Government in the Sunshine Act allows the agency to hold a meeting in private, or in closed session. The vote and the General Counsel's determination that allows the meeting to be closed are publicly available. In addition, the nonexempt portions of the minutes of those meetings are subsequently made public. The FTC regulations related to the Government in the Sunshine Act are found at 16 C.F.R. § 4.15.

X. FEE SCHEDULE

Fees for processing FOIA requests depend on the status of the requestor. To facilitate the FOIA's goal of making government information available to the public, some services are provided without charge, as noted in the table below. Generally, commercial requestors are those who seek information to further the commercial, trade, or profit interests of the requestor or the person on whose behalf the request is made. An educational institution is a school or institution of higher learning which operates a program or programs of scholarly research. A representative of the news media is a person actively gathering news for an entity that publishes or broadcasts news to the public. More exact definitions of these terms can be found at 16 C.F.R. § 4.8(b).

Requester Fee Categories

<u>Requester Category</u>	<u>Searching</u>	<u>Reviewing</u>	<u>Copying</u>
Commercial (including law firms)	Fee	Fee	None
Educational institutions	No charge	No charge	No charge for first 100 pages
News media	No charge	No charge	No charge for first 100 pages
Other (General Public)	No charge for first 2 hours	No charge	No charge for first 100 pages

Search and Review Fees (per Quarter Hour)

Clerical	\$4.50
Other Professional	\$8.00
Attorney/Economist	\$12.00
Minimum charge	\$14.00

Paper Fees

Paper copy (up to 8.5 x 14 inches)	
Reproduced by Commission	\$0.14
Reproduced by Requestor	\$0.05
Computer Paper	\$0.14

Microfiche Fees

Film Copy- Paper to 16 mm Film (per frame)	\$0.04
Fiche Copy-Paper to 105 mm Fiche (per frame)	\$0.08

Film Copy- Duplication of existing 100 ft. roll of 16 mm film	\$9.50
Fiche Copy-Duplication of existing 105 mm fiche	\$0.26
Paper Copy-Converting existing 16mm Film to Paper	
Conversion by Commission Staff	\$0.26
Paper Copy-Converting existing 105 mm Fiche to Paper	
Conversion by Commission Staff	\$0.23
Film Cassettes	\$2.00

Electronic Services

Converting paper into electronic format (scanning), per page	\$2.50
Computer programming, per quarter hour	\$8.00

Other Fees

Computer Tape	\$18.50
Certification	\$10.35
Express Mail (first pound)	\$3.50
Each additional pound, up to \$15.00	\$3.67